

FILED
SP.

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF NEW YORK

2007 OCT 26 PM 2:10

U.S. DISTRICT COURT
WDNY - BORAC

ANTHONY RITTER,
for CHAD JAMES RITTER,

Plaintiff,

-v-

DECISION AND ORDER
07-CV-6513CJS

COMMISSIONER OF SOCIAL SECURITY,

Defendant.

Plaintiff has requested permission to proceed *in forma pauperis* pursuant to 28 U.S.C. § 1915(a) and has met the statutory requirements. Accordingly, plaintiff's request to proceed as a poor person is hereby granted. Plaintiff has also requested appointment of counsel. Plaintiff's complaint has been reviewed by the Court with respect to the 28 U.S.C. § 1915(e)(2) criteria.¹

Because issue has yet to be joined, the Court does not have sufficient information upon which to determine if appointment of counsel is appropriate. Plaintiff's application for appointment of counsel is denied as premature without prejudice to renewal once the defendant has answered the complaint.

¹ Plaintiff had filed a complaint with the Court within the 60 days required, but without an application for poor person status. When plaintiff filed the poor person application, he submitted a re-dated complaint.

The Clerk of the Court is directed to file plaintiff's papers, and to cause the United States Marshal to serve copies of the Summons, Complaint, and this Order upon the named defendant without plaintiff's payment therefor, unpaid fees to be recoverable if this action terminates by monetary award in plaintiff's favor.

IT IS SO ORDERED.


HONORABLE RICHARD J. ARCARA
CHIEF JUDGE
UNITED STATES DISTRICT COURT

Dated: Oct. 26, 2007